

Dump owners tell county to go fly a kite, declare operation discriminated against

"We don't intend to shut down unless a judge tells us to."

Those words came this week from Mel Marler, co-owner with Kenneth Crawford, of Ames Trash Dump which is currently engaged in a battle with Kitsap County's Commissioners and Health Department over the operation located near Sunny-slope.

At their Board meeting October 27, the Commissioners ordered that the Ames operation be denied a permit and that a \$25 permit fee previously paid be refunded. South end Commissioner Bill Mahan said that the permit had been withheld pending correction of several alleged violations of both county and state health regulations, including illegal burning at the site.

County Sanitarian Joe Weigelt

was ordered to return the permit fee but on Thursday when Marler talked to the Independent he said they had not as yet received it. It doesn't matter, anyhow, he added, because when the refund check comes the dump owners won't cash it, nor will they stop operations as the Commissioners have said they must.

Commissioner Mahan said that once the check was received at the dump, all operations there must cease immediately and that if the place were not shut down, the County would take further action.

Mahan was particularly disturbed by what was described as "accidental fire" which occurred recently at the dump. While the dump owners had been asked some time ago not to burn there and had agreed to this ar-

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rangement. they had mentioned the possibility of accidental fires occurring. When such a fire did break out, according to Mahan, no effort was made to call the Sunnyslope Fire Department which had previously been alerted to the fact that they would be asked to respond in the event of such accidents.

Marler, referring to the fire, said that the dump operators had put it out themselves and that it only burned for "two lousy days-one afternoon and the next day it was out." He added, "I suppose we probably should have called the fire department but we figured, why bother them people to put it out?"

Marler further contends that the Ames operation is "being discriminated against", since several other dumps in the county are being permitted to burn. He says that not until Ames received a contract to dispose of Navy Yard waste material was there any problem with the county and that the dump had operated for a year and a half previous to the Navy Yard contract award without complaints.

What is irritating him still more, he says, is the fact that the Navy Yard contract had, before Ames got the bid, been held by the operators of a dump on Barney White Road which is located not too far from the Ames' operation. The Barney White dump, Marler says, is located only about six city blocks away from a trailer court whose occupants are now complaining about the smoke and fallout from burning, while by his measurements Ames Dump is further away.

Asked about Marler's charge of discrimination, Commissioner Gene Lobe said that there were indeed other dumps that were being permitted to burn. According to the Health Department, burning at dumps has been al-

lowed under forestry department supervision where it does not create a nuisance and, says Lobe, "there is no place else in Kitsap County that gets the amount of smoke or stink" that is coming from the Ames dump.

But, says Lobe, the burning is not the main reason the Commissioners are shutting the dump down. The operation is not complying with basic health regulations, including those relating to open garbage and the stockpiling of refuse, he said. "We make dumps do certain things," Lobe added, "and they must do them or not get a permit."

As for the Navy Yard contract, Lobe continued, "They knew what was involved in the contract when they bid it. It isn't up to us to tell him what to do before he does it." Lobe says Marler is right in saying the Navy Yard Contract is causing his problems, but only because the dump wasn't adequately prepared for it when they got it.

Lobe also made it clear that the Commissioners were not revoking the Ames' permit. "They don't have one to revoke," he said. What they are doing is only refunding the permit fee which had to be paid upon application for a permit. And to get the permit the dump would have had to comply with health regulations and this they did not do.

Marler and his partner have retained two attorneys, Paul Fisher of Seattle and Curtis Coons of Bremerton. The next move is up to the county. What will most likely occur, Lobe says, is that after the refund of the permit money is made, the Health Department will see whether or not they are operating without a permit and if they are, the prosecutor's office will be called in. Such illegal operation is a misdemeanor, with a possible fine of \$250 for each day the offense continues.